

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BRET A. BROADDUS	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. No. 08 -cv- 2006
	)	Judge Virginia M. Kendall
NORTH SHORE VAN LINES, INC.	)	
Defendant.	)	

**AGREED MOTION TO DISMISS**

Now comes Defendant, NORTH SHORE VAN LINES, INC.(hereinafter referred to as “Defendant” or “NSVL”), by and through its attorneys, Joel H. Steiner and Axelrod, Goodman, Steiner & Bazelon, and Moves to Dismiss the Complaint herein for failure to state a cause of action, pursuant to Rule 12(b)(6) F.R.Civ.P. and for reasons in support thereof states as follows:

**I. STATEMENT OF THE CASE**

All facts recited herein are taken from Plaintiff's Complaint herein and the Amended Complaint previously filed by Plaintiff in 07-cv-2713. This cause arises solely out of the interstate transportation of the household goods and belongings of Bret Broaddus (hereinafter referred to as “Plaintiff” or “Broaddus”) from Del Ray Beach, Florida to Chicago, Illinois. The only damages alleged by Plaintiff are directly related to the shipment of his goods in interstate commerce and the alleged loss of and/or damage to those goods, notwithstanding the multiple counts and theories asserted in the Complaint.

## **II. ALL ACTIONS ARE PREEMPTED BY 49 U.S.C. § 14706**

What is commonly known as the Carmack Amendment to the Interstate Commerce Act is now codified as 49 U.S.C. § 14706. All suits for loss or damage to interstate shipments by motor carrier are preempted by 49 U.S.C. § 14706, which is a total preemption.

See, for example, *R.E.I. Transport, Inc. v. C.H. Robinson Worldwide, Inc.*, 2008 WL 731614, pp. 3-4 (7<sup>th</sup> Cir. 2008), *Miller v. Reebe Storage and Moving Company, Inc.*, 1993 WL 414689 at pg. 4 (N.D. Ill. 1993), *Morris v. Covan World Wide Moving Incorporated*, 144 F.3d 377, 382-383 (5<sup>th</sup> Cir. 1998), *Nowakowski, et. al. v. American Red Ball Transit Company, Inc., et. al.*, 288 Ill. App. 3d 348, 680 N.E. 2d 441 (2<sup>nd</sup> Dist. 1997), *Gordon v. United Van Lines, Inc.*, 130 F.3d 282, 286 (7<sup>th</sup> Cir. 1997) and *Smith v. United Parcel Service (UPS)*, 296 F.3d 1244 (11<sup>th</sup> Cir. 2002).

## **III. THIS SUIT IS A REILING OF PRIOR ACTION DISMISSED WITH PREJUDICE**

On May 15, 2007 Plaintiff Bret Broaddus filed an Amended Complaint in this Court in the matter of Bret Broaddus v. Jim Larkin, et. al., No. 07-cv- 2713 (Doc. No. 21 - copy attached) in which one of the Defendants was Defendant herein, NSVL. That Amended Complaint alleged an identical cause of action, loss or damage to Plaintiff's property occurring as a consequence of the transportation of that property by NSVL from Del Ray Beach, Florida to Chicago, Illinois. Exhibit A to that Amended Complaint (Doc. No. 21-2 - copy attached) is the same inventory and bill of lading as attached to the Complaint herein as Exhibit A and Exhibit B.

On September 11, 2007, Judge Mark Filip entered a Minute Order in No. 07-cv- 2713 (Doc. 31) which set that matter for a status hearing on October 4, 2007 and warned that Plaintiff's failure to appear may result in a dismissal for want of prosecution. This Order was entered as a consequence of Plaintiff's failure to file a response to Defendant's Motion for Summary Judgment.

See Minute Order, Doc. 30.

On October 4, 2007, as reflected in Judge Filip's Minute Order (Doc. 32 - copy attached) "Defendants appear for status hearing. Plaintiff fails to appear." As a consequence thereof, Judge Filip ordered the case dismissed for want of prosecution. Judge Filip's Order provided that the dismissal was initially without prejudice, and granted Plaintiff leave to reinstate on or before November 5, 2007, at which time the dismissal will be with prejudice if no request to reinstate is filed. The Order also struck, without prejudice Defendant's Motion for Summary Judgment. No Motion to Reinstate or Notice of Appeal was ever filed. Consequently, on November 5, 2007 the Dismissal for Want of Prosecution became a dismissal with prejudice and res judicata. Since no appeal was taken, that Order is not subject to attack or challenge.

#### **IV. THE DOCTRINE OF RES JUDICATA REQUIRES DISMISSAL OF THIS SUIT**

In the present case all of the elements necessary for the application of the doctrine of res judicata are present. Judge Filip entered a final judgment on the merits when he entered the dismissal for want of prosecution, which became final and with prejudice on November 5, 2007 as a consequence of Plaintiff's failure to move to reinstate. Both 07-cv-2713 and the current action are suits to recover damages for loss or damage to the same shipment of goods in interstate commerce, pursuant to the same bill of lading and manifest, from Del Ray Beach, Florida to Chicago, Illinois. The Amended Complaint in 07-cv-2713 was brought by the Plaintiff herein against Defendant herein, among others.

As stated in *Tartt v. Northwest Community Hosp.*, 453 F.3d 817, 822 (7<sup>th</sup> Cir. 2006):

Res judicata applies if there is: "(1) a final judgment on the merits in an earlier action, (2) an identity of the cause of action in both the earlier and later suit, and (3) an identity of parties or privies in the two suits." *Smith v. City of Chicago*, 820 F.2d 916, 917 (7<sup>th</sup> Cir.1987) (citing *Lee v. City of Peoria*, 685 F.2d 196, 199 (7<sup>th</sup> Cir.1982)); see *Brzostowski v. Laidlaw Waste Sys., Inc.*, 49 F.3d 337, 338 (7<sup>th</sup> Cir.1995) (citations omitted).

Because Tartt did not appeal the dismissal of the 7959 action within 30 days, the entry of judgment pursuant to Rules 12(b)(6) and 41(b) on January 29, 2003, amounts to a final judgment on the merits for res judicata purposes. *See* Fed. R.App. P. 4(a)(1)(A); *Horwitz v. Alloy Auto. Co.*, 992 F.2d 100, 102 (7th Cir.1993) (citations omitted); *Cannon v. Loyola Univ. of Chicago*, 784 F.2d 777, 780 (7th Cir.1986) (citations omitted); *Phillips v. Shannon*, 445 F.2d 460, 462-63 (7th Cir.1971) (citations omitted).

\* \* \* \* \*

The second part of our res judicata analysis, identity of actions, is met. “ [T]wo claims are one for purposes of res judicata if they are based on the same, or nearly the same, factual allegations ” *Manicki v. Zeilmann*, 443 F.3d 922, 925 (7th Cir.2006) (quoting *Herrmann v. Cencom Cable Assocs., Inc.*, 999 F.2d 223, 226 (7th Cir.1993)).

*See also*, *Kimmel v. Texas Commerce Bank*, 817 F.2d 39, 40-41, (7<sup>th</sup> Cir.1987), which sustained the authority of a court to dismiss an action *sua sponte* for want of prosecution which stems from the court's inherent power to control its docket rather than from Rule 41(b), but held that such a dismissal was a dismissal is on the merits.

Almost identical procedural circumstances were presented in the unpublished opinion in *Bevins v. H.P. Hood, Incorporated*, 925 F.2d 1468 (Table), 1991 WL 22106 (7<sup>th</sup> Cir.1991), which cited *LeBeau v. Taco Bell*, 892 F.2d 605, 607-608 (7th Cir.1989) for the proposition that when the Plaintiff appealed the dismissal of its second suit, based upon application of the doctrine of res judicata, as a consequence of the dismissal for want of prosecution of his first suit, the appeal must fail because the Plaintiff did not appeal the first dismissal. Therefore, court did not have jurisdiction to review the district court's dismissal of the first suit. Having failed to either move to reinstate in 07-cv-2713 or appeal from Judge Filip's order of dismissal for want of prosecution, Plaintiff may not seek relief from or avoid the res judicata effect of that prior order.

## V. CONCLUSION AND PRAYER

In view of the total preemption by 49 U.S.C. § 14706 of all state and common law based

claims arising out of the transportation of freight in interstate commerce, and the application of the doctrine of res judicata to Plaintiff's Complaint herein, this suit must be dismissed, with prejudice.

WHEREFORE, for the above and foregoing reasons, Defendant prays that Plaintiff's Complaint herein be dismissed, with prejudice.

North Shore Van Lines, Inc.

By: /s/ Joel H. Steiner

Joel H. Steiner  
ARDC# 02720108  
One of its Attorneys

Dated: April 29, 2008

OF COUNSEL:

Axelrod, Goodman, Steiner & Bazelon  
39 South LaSalle Street - Suite 920  
Chicago, Illinois 60603  
(312) 236-9375  
(312) 236-2877 fax

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this April 29, 2008, a copy of the foregoing Agreed Motion to Dismiss was filed electronically. Notice of this filing will be sent to all parties registered with the Court's electronic filing system by operation of the Court's system. Parties may access this filing through the Court's system which will send notification of such filing(s) to the following:

Ariel Weisberg  
Weisberg and Associates  
401 South LaSalle St., Suite 403  
Chicago, Illinois 60604

/s/ *Joel H. Steiner*  
Joel H. Steiner

DATED: April 29, 2008

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BRET BROADDUS and LUANN BROADDUS,	)	
	)	
Plaintiffs,	)	07 CV 2713
	)	
v.	)	
	)	
JIM LARKIN, individually and d/b/a	)	
NORTH SHORE VAN LINES, INC.,	)	
NORTHSHORE MOVERS, INC., and	)	
NORTH SHORE VAN LINES, INC.	)	Jury Demanded
	)	
Defendants.	)	

VERIFIED AMENDED COMPLAINT

Plaintiffs Bret Broaddus and Luann Broaddus, by their attorneys, complain against defendants Jim Larkin, individually and d/b/a North Shore Van Lines, Inc., North Shore Van Lines, Inc., and North Shore Movers, Inc. and state that:

1. This action is brought under 49 U.S.C. §§14706 et seq. ("Carmack Amendment").
2. Plaintiffs Bret Broaddus and Luann Broaddus are individuals and reside in Chicago, Cook County, Illinois.
3. Defendant Jim Larkin is an individual doing business as North Shore Van Lines, Inc. and North Shore Movers, Inc. in Libertyville, Lake County, Illinois.
4. Defendant North Shore Van Lines, Inc. is a corporation in Libertyville, Lake County, Illinois.
5. Defendant Northshore Movers, Inc. is a dissolved

corporation that conducted operations in Libertyville, Lake County, Illinois.

6. All defendants hold themselves out as professional movers.

7. Defendants claim to have reputations for reliability, professionalism, and integrity in the moving industry. Defendants use various names and identifications in their moving business. Defendant Jim Larkin repeatedly told Mr. Broaddus that these companies were his businesses and that he personally conducted business through these companies.

8. The Court has subject matter jurisdiction of this action pursuant to 49 U.S.C. §§14706 et seq.

9. Venue lies in this judicial district because the acts giving rise to the Broaddus' claims took place within the Northern District of Illinois.

10. The contracts at issue in this complaint were partially made in Lake County. Many of the actions that give rise to this complaint occurred in Lake County.

11. Mr. Larkin acted on behalf of North Shore Van Lines, Inc. and held himself out as a carrier in all material aspects, including communications with customers under the business name North Shore Van Lines, Inc.

12. Mr. Larkin and North Shore Van Lines, Inc. also



conducted business as North Shore Movers, Inc. and held themselves out as agents of North Shore Movers, Inc. See Exhibits A and B.

13. Mr. Larkin personally contracted with Mr. Broaddus for the shipment of the Broaddus' goods.

14. Over the course of several years, Mr. Larkin, his father, and North Shore Van Lines, Inc. provided transportation and services to the Broadduses and issued receipts or bills of lading for all transportation services performed.

15. The Broadduses entered into an oral contract with Mr. Larkin and defendants for the moving and transport of certain household and personal belongings, including an automobile, clothing, household furnishings, jewelry, and appliances from Delray Beach, Florida to Chicago, Cook County, Illinois.

16. The pertinent and material terms of the oral contract were that:

a. Defendants would pick up the Broaddus' goods in Delray Beach, Florida.

b. Defendants would transport the Broaddus' goods by moving truck to their new home in Chicago, Illinois.

c. The Broadduses would pay the normal carriage fee for the transportation of their goods to Chicago, Illinois.

17. Mr. Larkin and defendants arranged these services with

Mr. Broaddus and communicated directly with Mr. Broaddus.

18. Upon delivery, the Broaddus inspected their property and saw that it was damaged and destroyed and that certain property was not delivered at all and was presumably stolen by defendants' agents or employees.

19. Mr. Broaddus immediately contacted Mr. Larkin concerning the condition of his property and the stolen items.


20. Mr. Larkin and defendants refuse to compensate the Broadduses for these losses.

21. The Carmack Amendment provides shippers with the statutory right to recover for actual losses or injuries to their property caused by carriers involved in the shipment. 49 U.S.C. §14706(a)(1).

22. As a direct and proximate result of defendants' actions, the Broadduses were damaged in an amount in excess of \$75,000, exclusive of costs and interest for the actual loss and damage to their property caused by defendants.

WHEREFORE, plaintiffs Bret Broaddus and Luan Broaddus demand trial by jury, judgment in their favor and against defendants Jim Larkin, individually and d/b/a North Shore Van Lines, Inc., North Shore Van Lines, Inc., and North Shore Movers, Inc., compensatory damages for the loss and damage to their property in excess of \$75,000, the costs of this action,

and all other appropriate relief.

  
Plaintiffs' Attorney

Gregory A. Adamski  
Jenny R. Jeltres  
Adamski & Conti  
100 N. LaSalle Street  
Chicago, Illinois 60602  
312.332-7800

Pursuant to penalties of perjury as provided by law, Bret Broadbus states that:

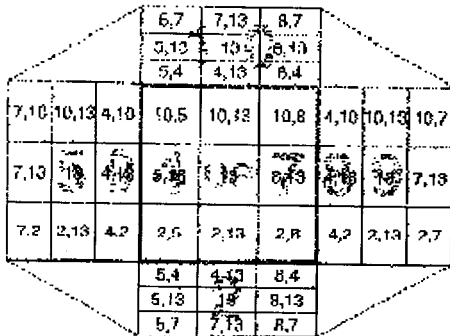
1. I am an adult and am otherwise competent to give evidence.
2. If called to give evidence, I would give evidence consistent with this verification.
3. This verification is based upon my personal knowledge.
4. The attached document is true.

  
Bret Broadbus

DATED: August 14, 2007

**600 WAUKEGAN RD.  
NORTHBROOK, IL 60062  
847-498-6560**

## PART, EXACT DAMAGE, AT LOCATION



Driver or Agent #	NORTH HAVEN VAN LINES		Page #	1	# of Pages	8
Customer Name	BROADES		Contract #			
Origin City, State	FIN.		Tag Color	WHITE	Lot #	179338
Destination City, State	CHIC. IL.		GBL #			

PART & LOCATION		EXACT DAMAGE		DESCRIPTIVE SYMBOLS	
1 Arm	10 Top	BE Bent	RU Rusted	CD Carrier Disassembled	
2 Bottom	11 Veneer	BR Broken	SC Scratched	CP Carrier Packed	
3 Corner	22 Edge	BU Burned	SH Short	CU Contents and Condition Unknown	
4 Front	13 Center	CH Chipped	SO Soiled	DSO Disassembled By Owner	
5 Left	14 Soat	D Dented	S Stretched	MCU Mechanical Condition Unknown	
6 Leg	15 Discreet	F Faded	T Torn	PS Professional Books	
7 Rear	16 Inside	G Grunged	W Worn	PBO Packed By Owner	
8 Right	17 Door	L Loose	WP Warped	PL Professional Equipment	
9 Side	18 Shell	M Mattered	WS Water-stained	PP Professional Papers	
	19 Hardware	MI Mildew	WT Wet	SW Shrink Wrap	
		R Rubbed	Z Cracked		

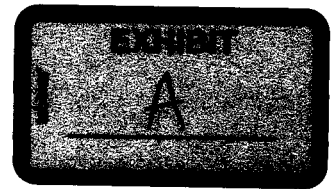
ITEM #	CR	ARTICLE	ROOM	CONDITION AT ORIGIN	EXCEPTIONS AT DESTINATION
1		SING. BX. SP.		SC 3,9,10,12-R3,10,12	
2		SING. BX. SP.		SC 3,10,12-R3,12	
3		WOOD STATUE		CH 3,4,10,12-SC 4,9,10-R3,12-BR 9	
4		WARDROBE CTN.		PBO-CH	
5		1.5 CTN.		PBO-CH	
6		WIRE BASKET		PBO-CH-D 9	
7		1.5 CTN.		PBO-CH	
8		1.5 CTN.		PBO-CH	
9		PLASTIC TOTE CTN.		PBO-CH	
10		PLASTIC TOTE CTN.		PBO-CH	
11		PLASTIC CTN.		BR 3-PBO-CH	
12		COOLER		PBO-CH	
13		STAINLESS STEEL BURNERS		PBO-CH-R3,10,12	
14		1.5 CTN. OPEN -		PBO-CH	
15		WARDROBE CTN.		PBO-CH	
16		SM. CTN.		PBO-CH	
17		2 DR. LAMINATE FILE		SC 4,9,10-G 4-CH 3,12-R3,4,10,12	
18		1.5 CTN.		PBO-CH	
19		1.5 CTN.		PBO-CH	
20		3.0 CTN.		PBO-CH	
21		1.5 CTN.		PBO-CH	
22		DESK		CH 9,12,4-SC 4,6,9,10-R3,10,12	
23		CHRYSLER		SC 9,10-R3,10,12	
24		PLASTIC TOTE CTN.		PBO-CH	
25		SM. CTN.		PBO-CH	
26		PLASTIC TOTE CTN.		PBO-CH	
27		4.5 CTN.		PBO-CH	
28		MACHINE		MCU-R3,12	
29		NIGHT STAND		Z 10-SC 4,9,10-BU 10-R3,10,12	
30		4.5 CTN.		PBO-CH	

Remarks:

**IMPORTANT NOTICE:** Before signing - check shipment, count items, and describe loss or damage in space on the right above. If for any reason you were not given the opportunity to inspect this shipment, you should call this toll free number, 800-348-3746.

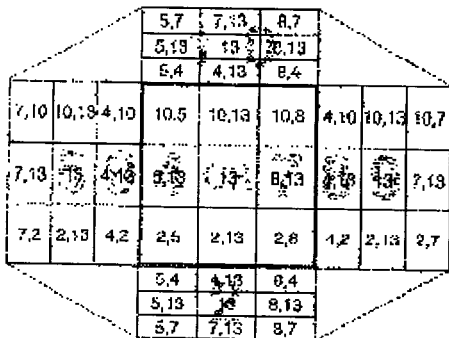
have checked all the items listed and numbered on this page inclusive, and acknowledge that this is a true and complete list of the goods tendered, and of the goods received.

AT ORIGIN	Driver	Code	Date	AT DESTINATION	Driver	Code	Date
	<i>[Signature]</i>		4-4-06		<i>[Signature]</i>		



600 WAUKEGAN RD.  
NORTHBROOK, IL 60062  
847-498-6560

## PART, EXACT DAMAGE, AT LOCATION



Driver or Agent #		Page #	2	# of Pages	8
Customer Name		Contract #			
Origin City, State		Tag Color	WHITE	Lot #	171330
Destination City, State		GBL #			

PART & LOCATION		EXACT DAMAGE		DESCRIPTIVE SYMBOLS	
1 Arm	10 Top	BL Bent	RU Rusted	CD Carrier Disassembled	
2 Bottom	11 Veneer	BR Broken	SC Scratched	CP Carrier Packed	
3 Corner	12 Edge	BU Burned	SH Short	CU Contents and Condition Unknown	
4 Front	13 Center	CH Chipped	SO Soiled	DBO Disassembled By Owner	
5 Left	14 Seat	D Dented	S Stretched	MCU Mechanical Condition Unknown	
6 Leg	15 Drawer	F Faded	T Torn	PB Professional Books	
7 Rear	16 Inside	G Gouged	W Worn	PBO Packed By Owner	
8 Right	17 Door	L Loose	WP Warped	PE Professional Equipment	
9 Side	18 Shelf	M Marred	WS Water-stained	PP Professional Papers	
	19 Hardware	MI Mildew	WV Wet	SW Shrink Wrap	
		R Rubbed	Z Cracked		

ITEM #	CR	ARTICLE	ROOM	CONDITION AT ORIGIN	EXCEPTIONS AT DESTINATION
1		WARDROBE CTN.		PBD-CU	
2		Small 35" CTN		MCH-BR 3-23-SC 49,10-R3,12	
3		MACHINE		MCH-R3,12	
4		BED FRAME Pole		SC 9	
5		BED FRAME Pole		SC 9	
6		MATTRESS		T 3,12,10-SC 9,10-R3,12,14	
7		FILE CAB.		D 9,10-SC 4,10,9,10	
8		RECYCLER		R 1,3,12	
9		RECORD MONITOR		MCH-R1,3,12,14	
10		MED CTN.		PBD-CU	
11		MACHINE		MCH-R3,12	
12		MACH. PART		SC 2,9	
13		MACH. PART		SC 2,9	
14		MACHINE		MCH-SC 2,9,10-R3,12	
15		OFFICE CHAIR		T 1,3,12-WI-R1,3,12,14-SC 18,14	
16		OS. CHAIR		SC 14,7,10-R1,3,12,14	
17		MARQUEE TRAIL BIKE		MCH-SC 9,10-R3,12	
18		TRIK 700 BIKE		MCH-SC 9,10-R3,12	
19		EATING TABLE		SC 14,10-R3,12,14	
20		PICTURE		CH 3,12-SC 49,10-R3,12,14	
21		SHARP		SC 9,10-MID-R3,12	
22		WELAMP		SC 2,9-BEID-R3,12	
23		WARDROBE CTN.		PBD-CU	
24		W. P. AC. CTN.		PBD-CU	
25		MED CTN.		PBD-CU	
26		MED CTN.		PBD-CU	
27		MED CTN.		PBD-CU	
28		3.0 CTN.		PBD-CU	
29		FLAT CTN.		PBD-CU	
30		DOOR CASE		SD-W	

Remarks:

**IMPORTANT NOTICE:** Before signing - check shipment, count items, and describe loss or damage in space on the right above. If for any reason you were not given the opportunity to inspect this shipment, you should call this toll free number, 800-348-3746. I have checked all the items listed and numbered on this page inclusive, and acknowledge that this is a true and complete list of the goods tendered, and of the date the goods were received.

Driver	Code	Date	AT DESTINATION	Driver	Code	Date
<i>[Signature]</i>		7-11-06		<i>[Signature]</i>		
Customer		Date		Customer		Date
<i>[Signature]</i>				<i>[Signature]</i>		

**600 WAUKEGAN RD.  
NORTHBROOK, IL 60062  
847-498-6560**

## PART, EXACT DAMAGE, AT LOCATION

7.10	10.13	4.10	10.5	10.13	10.8	4.10	10.13	10.7
7.13	10.13	5.13	10.13	10.13	10.13	10.13	10.13	10.13
7.2	2.13	4.2	2.5	2.13	2.8	4.2	2.13	2.7

Driver or Agent #	Page # <b>3</b>	# of Pages <b>8</b>
Customer Name	Contract #	
Origin City, State	Tag Color <b>WHITE</b>	Lot # <b>174338</b>
Destination City, State	GBL #	

PART & LOCATION	EXACT DAMAGE	DESCRIPTIVE SYMBOLS
1 Arm	RG Beal	CU Carrier Disassembled
2 Bottom	BR Broken	CP Carrier Packed
3 Corner	BU Burned	CU Contents and Condition Unknown
4 Front	CH Chipped	DHO Disassembled By Owner
5 Left	D Dented	MCU Mechanical Condition Unknown
6 Leg	F Faded	PB Professional Books
7 Rear	G Gagged	PBO Packed By Owner
8 Right	L Loose	PE Professional Equipment
9 Side	M Matted	PP Professional Papers
10 Top	W Worn	SW Shrink Wrap
11 Veneer	WP Warped	
12 Edge	W Water-aided	
13 Center	W Wet	
14 Seal	Z Cracked	
15 Drawer		
16 Inside		
17 Door		
18 Shelf		
19 Hardware		

TEM #	CR	ARTICLE	ROOM	CONDITION AT ORIGIN	EXCEPTIONS AT DESTINATION
1		MCU CTN		PBO-CU	
2		Pillow		SC 9,10-R12	
3		Pic Pac CTN		PBO-CU	
4		3 OCTN		PBO-CU	
5		Dis Pac CTN		PBO-CU	
6		2 OCTN		PBO-CU	
7		Dis Pac CTN		PBO-CU	
8		Plastic Tote CTN		PBO-CU	
9		1.5 CTN		PBO-CU	
10		6 OCTN		PBO-CU	
11		WARDROBE CTN		CP-NSVL	
12		NIGHT STAND		CH 3,4,12-SC 4,9,10-R3,9,12	
13		PLASMA BASE		SC 10-R3,12	
14		SM CTN		PBO-CU	
15		OTOMAN		SC 9,10-R3,12	
16		6 OCTN		PBO-CU	
17		LEGGLD BAG		SC 9,10-M9,10-R3,10,12	
18		Pic Pac CTN		PBO-CU	
19		Pic Pac CTN		PBO-CU	
20		WARDROBE CTN		CP-NSVL	
21		WARDROBE CTN		CP-NSVL	
22		WARDROBE CTN		CP-NSVL	
23		WARDROBE CTN		CP-NSVL	
24		CABINET		SC 4,9,10-CH 3,12-M4-R3,9,12	
25		WARDROBE CTN		CP-NSVL	
26		WARDROBE CTN		CP-NSVL	
27		WARDROBE CTN		CP-NSVL	
28		WARDROBE CTN		CP-NSVL	
29		WARDROBE CTN		CP-NSVL	
30		SPEAKER STAND		CH 3,12-SC 9,10-R3,12	

Remarks:

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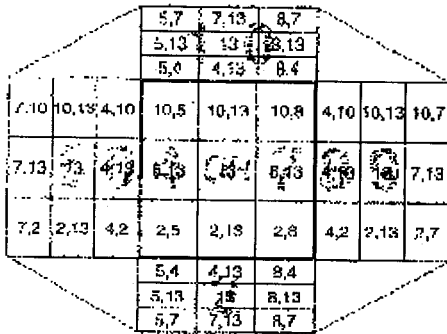
I have checked all the items listed and numbered on this page inclusive, and acknowledge that this is a true and complete list of the goods tendered, and of the goods received.

Driver	Code	Date	AT DESTINATION	Driver	Code	Date
Customer	Date		Customer	Date		



600 WAUKEGAN RD.  
NORTHBROOK, IL 60062  
847-498-6560

## PART, EXACT DAMAGE, AT LOCATION



Driver or Agent #		Page # <u>4</u>	# of Pages <u>8</u>
Customer Name		Contract #	
Origin City, State		Tag Color <u>WHITE</u>	Lot # <u>174338</u>
Destination City, State		GBL #	

PART & LOCATION		EXACT DAMAGE		DESCRIPTIVE SYMBOLS
1 Arm	10 Top	SE Bent	RU Rusted	CD Carrier Disassembled
2 Bottom	11 Veneer	BR Broken	SC Scratched	CP Carrier Packed
3 Corner	12 Edge	BU Burned	SH Short	CU Contents and Condition Unknown
4 Front	13 Center	CH Chipped	SO Soiled	DO Disassembled By Owner
5 Left	14 Seat	D Dented	S Stretched	MCU Mechanical Condition Unknown
6 Leg	15 Drawer	F Faded	T Torn	PR Professional Books
7 Rear	16 Inside	G Gouged	W Worn	PBO Packed By Owner
8 Right	17 Door	L Loose	WP Warped	PE Professional Equipment
9 Side	18 Shelf	M Matted	WS Water-stained	PP Professional Papers
	19 Hardware	MI Mildew	W Wet	SW Shrink Wrap
		R Rubbed	Z Cracked	

ITEM #	CR	ARTICLE	ROOM	CONDITION AT ORIGIN	EXCEPTIONS AT DESTINATION
1		SPEAKER STAND		SC 9,10-R3,12	
2		PBD SET		SC 2,10-R3,12	
3		STATUE (Lion)		SC 2,9,10-R3,12	
4		TOOL BOX		PBD-CU-R3,10,12	
5		MARBLE		CH 3,12	
6		SM CTN.		PBD-CU	
7		SM CTN.		PBD-CU	
8		SWIFTER		W-	
9		SM CTN.		PBD-CU	
10		WARDROBE CTN.		PBD-CU	
1		WARDROBE CTN.		PBD-CU	
2		WICKER BASKET		BR 10-W-	
3		3.0 CTN.		PBD-CU	
4		3.0 CTN.		PBD-CU	
5		SM SQUARE GLASS		SC 9,10-R3,10,12	
6		BASKET		PBD-CU	
7		1.5 CTN.		PBD-CU	
8		1.5 CTN.		PBD-CU	
9		1.5 CTN.		PBD-CU	
10		COLORED EISEL		CH 12-SC 9,10-R3,12	
1		1.0 CTN.		PBD-CU	
2		1.0 CTN.		PBD-CU	
3		WARDROBE CTN.		PBD-CU	
4		WARDROBE CTN.		PBD-CU	
5		WARDROBE CTN.		PBD-CU	
6		GOLF BAG w/CLUBS		PBD-CU	
7		GOLF BAG w/CLUBS		PBD-CU	
8		1.5 CTN.		PBD-CU	
9		1.5 CTN.		PBD-CU	
10		NIGHTSTAND		SC 4,9,10-CH 3,12-6-11-R3,12	

Remarks:

**IMPORTANT NOTICE:** Before signing -- check shipment, count items, and describe loss or damage in space on the right above. If for any reason you were not given the opportunity to inspect this shipment, you should call this toll free number, 800-348-3746.

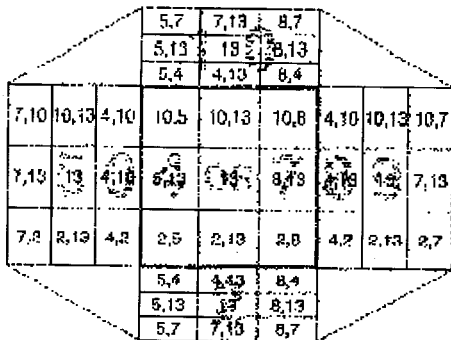
I have received all the items listed and numbered on this page inclusive, and acknowledge that this is a true and complete list of the goods tendered, and of the goods received.

AT ORIGIN	Driver <u>[Signature]</u>	Date <u>9-4-06</u>	AT DESTINATION	Driver <u>[Signature]</u>	Date <u></u>
	Customer <u></u>	Date <u></u>		Customer <u></u>	Date <u></u>



600 WAUKEGAN RD.  
NORTHBROOK, IL 60062  
847-498-6560

## PART, EXACT DAMAGE, AT LOCATION



Driver or Agent #	Page # 5	# of Pages 8
Customer Name	Contract #	
Origin City, State	Tag Color WHITE	Lot # 174338
Destination City, State	GBL #	

PART & LOCATION		EXACT DAMAGE		DESCRIPTIVE SYMBOLS	
1 Arm	10 Top	BE Bent	RU Rusted	CD Carrier Disassembled	
2 Bottom	11 Veneer	BR Broken	SC Scratched	CP Carrier Packed	
3 Corner	12 Edge	BU Burned	SH Short	CU Contents and Condition Unknown	
4 Front	13 Center	CH Chipped	SO Soiled	DDO Disassembled By Owner	
5 Left	14 Seat	D Dented	S Stretched	MCU Mechanical Condition Unknown	
6 Leg	15 Drawer	F Faded	T Torn	PB Professional Books	
7 Rear	16 Inside	G Gagged	W Worn	PBO Packed By Owner	
8 Right	17 Door	L Loose	WP Waxed	PE Professional Equipment	
9 Side	18 Shell	M Marred	WPS Water-stained	PP Professional Papers	
	19 Hardware	MI Mildew	WCT Waxed	SSD Shrink Wrap	
		R Rubbed	Z Cracked		

ITEM #	CR	ARTICLE	ROOM	CONDITION AT ORIGIN	EXCEPTIONS AT DESTINATION
21		WARDROBE CTRY.		PBO-CU	
2		WARDROBE CTRY.		PBO-CU	
3		ROD		SC 9	
4		COFFEE TABLE		SC 6, 9, 10 - D 4, 9, 12 - R 3, 10, 12	
5		PAINT TREE		L 9, 10 - W -	
6		BROOM		W -	
7		SWIVEL SWEEPER		W -	
8		WALKING STAND		W -	
9		WALKING STAND		W -	
30		WALKING STAND		W -	
1		YAMAHA RECEIVER		MCU - SC 4, 10 - R 3, 12	
2		ART. PLANT		SD	
3		WALKING STAND		W -	
4		GREENBACK		W -	
5		SOLE BAG w/CLIPS		PBO-CU	
6		SOLE BAG		SC 2, 9, 10 - R 3, 12, 10	
7		SOLE BAG w/CLIPS		PBO-CU	
8		EUREKA UPRIGHT		MCU	
9		RCA 5 INCH CD PAPER		MCU - SC 9, 10	
40		WALKER		W -	
1		FORM CUSHION		SC 10, 12 - R 3, 12	
2		SM STAND		SC 1, 16 - R 3, 10, 12	
3		FOUNTAIN CHAIR		SC 6, 7, 10 - R 3, 12	
4		ROLL OF FABRIC		PBO-CU	
5		ROLLED LUMEN		CU	
6		LOVE SEAT		R 13, 12, 14 - SC 6	
7		SING. HIDE-A-BED		SC 6, 10, 11, 14 - R 3, 12, 14 - D 7, 6, 7	
8		BAG		PBO-CU	
9		WALKER SEAT		MCU - SC 9, 11, 10 - R 3, 12, 10	
50		OTOMAN		SC 6, 10, 14 - R 3, 12	

Remarks:

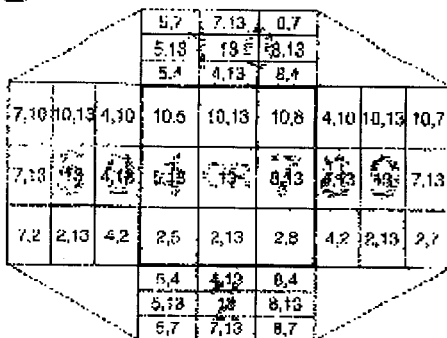
**IMPORTANT NOTICE:** Before signing - check shipment, count items, and describe loss or damage in space on the right above. If for any reason you were not given the opportunity to inspect this shipment, you should call this toll free number, 800-848-3748.

I have examined all the items listed and numbered on this page inclusive, and acknowledge that this is a true and complete list of the goods tendered, and of the goods received.

AT (ORIGIN)	Driver	Code	Date	AT DESTINATION	Driver	Code	Date
	Customer		Date		Customer		Date

**600 WAUKEGAN RD.  
NORTHBROOK, IL 60062  
847-498-6560**

## PARTY, EXACT DAMAGE, AT LOCATION



Driver or Agent #	Page # <b>6</b>	# of Pages <b>8</b>
Customer Name	Contract #	
Origin City, State	Tag Color <b>WHITE</b>	Lot # <b>174338</b>
Destination City, State	GBL #	

PART & LOCATION		EXACT DAMAGE		DESCRIPTIVE SYMBOLS	
1 Arm	10 Top	BE Bent	RU Rust	CU Carrier Disassembled	
2 Bottom	11 Veneer	BR Broken	SC Scratched	CP Carrier Packed	
3 Corner	12 Edge	BU Burned	SH Short	CU Contents and Condition Unknown	
4 Front	13 Center	CH Chipped	SO Soiled	DBO Disassembled By Owner	
5 Left	14 Seat	D Dented	S Stretched	MCU Mechanical Condition Unknown	
6 Leg	15 Drawer	F Faded	T Torn	PB Professional Books	
7 Rear	16 Inside	G Gouged	W Worn	PBO Packed By Owner	
8 Right	17 Door	L Loose	WP Warped	PE Professional Equipment	
9 Side	18 Shelf	M Marred	WS Water-stained	PP Professional Papers	
	19 Hardware	MI Mildew	WET Wet	SW Shrink Wrap	
		R Rubbed	Z Cracked		

ITEM #	CR	ARTICLE	ROOM	CONDITION AT ORIGIN	EXCEPTIONS AT DESTINATION
1		6.0 CTN		PBO-CU	
2		SM SLOD		SC 6, 10 - R 3, 10, 12	
3		TALL STAND		SC 6, 9, 10 - R 3, 10, 12	
4		6.0 CTN		PBO-CU	
5		6.0 CTN		PBO-CU	
6		3.0 CTN		PBO-CU	
7		3.0 CTN		PBO-CU	
8		DISH CTN		PBO-CU	
9		DISH CTN		PBO-CU	
10		4.5 CTN		PBO-CU	
11		4.5 CTN		PBO-CU	
12		CARTRIDGE RECEIVER		MCU - SC 9, 10	
13		ENSEI		SC 2, 4, 10 - R 3, 12	
14		FOR LAMP		SC 6, 9, 10 - R 3, 12	
15		POWER SPEAKER		MCU - SC 4, 9, 10 - R 3, 12	
16		4.5 CTN		PBO-CU	
17		1.5 CTN		PBO-CU	
18		STAND		SC 6, 9, 10 - R 3, 12	
19		BRISTLE STAND		W -	
20		SM CTN		PBO-CU	
21		ART. PLANT		SD - W -	
22		ART. PLANT		SD - W -	
23		ART. PLANT		SD - W -	
24		SMOKE BUCKET		W -	
25		ART. PLANT		SD - W -	
26		MEGA CTN		PBO-CU	
27		SM TABLE		SC 6, 9, 10 - R 3, 10, 12	
28		RING MATT.		T 3, 12 - SC 4, 6, 9, 10, 14 - R 13, 12, 14	
29		SOFA		T 3, 12 - SC 4, 6, 9, 10, 14 - R 13, 12, 14	
30		SOFA		Z 3, 4 - SD 4 - SC 4, 6, 9, 10, 14 - R 13, 12, 14	

Remarks:

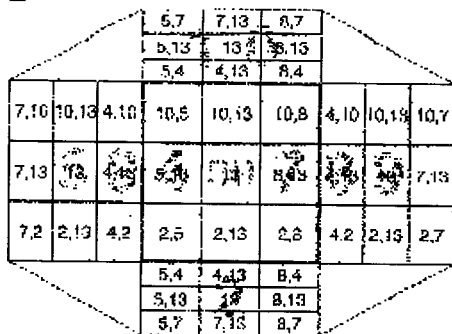
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I have checked all the items listed and numbered on this page inclusive, and acknowledge that this is a true and complete list of the goods tendered, and of the goods received.

AT ORIGIN	Driver <i>[Signature]</i>	Code	Date <b>9-1-06</b>	AT DESTINATION	Driver <i>[Signature]</i>	Code	Date
	Customer <i>[Signature]</i>		Date		Customer <i>[Signature]</i>		Date

**600 WAUKEGAN RD.  
NORTHBROOK, IL 60062  
847-498-6560**

## PART, EXACT DAMAGE, AT LOCATION



Driver or Agent #		Page # <b>7</b>	# of Pages <b>8</b>
Customer Name		Contract #	
Origin City, State		Tag Color <b>WHITE</b>	Lot # <b>171336</b>
Destination City, State		GBL #	

PART & LOCATION		EXACT DAMAGE		DESCRIPTIVE SYMBOLS
1 Arm	10 Top	DC Bent	RU Rusted	CD Carrier Disassembled
2 Bottom	11 Veneer	BR Broken	SC Scratched	CP Carrier Packed
3 Corner	12 Edge	BU Burned	SH Short	CU Contents and Condition Unknown
4 Front	13 Center	CH Chipped	SO Soiled	DBO Disassembled By Owner
5 Left	14 Seat	D Dent	S Stretched	MCU Mechanical Condition Unknown
6 Leg	15 Drawer	F Faded	T Torn	PB Professional Boxes
7 Rear	16 Inside	G Gouged	W Worn	PBO Packed By Owner
8 Right	17 Door	L Loose	WP Warped	PE Professional Equipment
9 Side	18 Shelf	M Matted	WS Water-stained	PP Professional Papers
	19 Hardware	MI Mildew	WD Wet	SW Shrink Wrap
		R Rubbed	Z Cracked	

ITEM #	CR	ARTICLE	ROOM	CONDITION AT ORIGIN	EXCEPTIONS AT DESTINATION
1		BAG		PBO-CU	
2		OS CHAIR		SC6-R1,3,12,14-CH6	
3		OS CHAIR		R3,12,14	
4		OS CHAIR		R3,12,14	
5		BASKET		SC9,10-R3,12	
6		BASKET		R3,12-SC9,10	
7		CHAIR		BR4,9,12-W-SC6-SO14	
8		WARDROBE CTR.		PBO-CU	
9		WARDROBE CTR.		PBO-CU	
10		WARDROBE CTR.		PBO-CU	
11		Dining Room CHAIR		SC16,7,10-R3,12,14-CH12	
12		CHAIR		CH12-SC16,7,10-R3,12,14	
13		Dining Room CHAIR		SC16,7,10-R3,12,14	
14		Dining Room CHAIR		CH12-SC6,7,10-R3,12,14	
15		ARMCHAIR		SC4,6,9-R3,12-CH6-CH12	
16		BAG		PBO-CU	
17		SAC CHAIR		GL10-CH4,6-SC4,6,9,10-R3,12,14-F10	
18		POWER CD PLAYER		MCU-SC4,10-R3,12	
19		SM BEACH		SOH-SC6-R3,12,14	
20		Dining Room CHAIR		CH16-D1-SC16,7,10-R3,12,14	
21		Dining Room CHAIR		SC16,7,10-CH16-D1-R3,12,14	
22		CHAIR		SC16,7,10-R3,12,14-CH4,6	
23		AR SPEAKER		MCU-CH12-SC4,9,10-R3,12	
24		AR SPEAKER		MCU-SC4,9,10-CH12-R3,12	
25		CHAIR		R2-SC6-BR12	
26		SM BENCH		ML6-SC6,9,10-R3,12,14	
27		SM TRUNK ON STAND		L2-SC6,9,10-R3,12	
28		WARDROBE CTR.		PBO-CU	
29		SOCTN.		PBO-CU	
30		SOCTN.		PBO-CU	

Remarks:

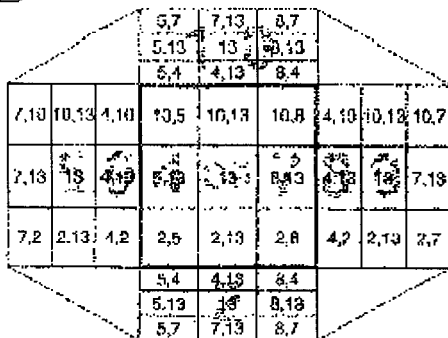
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I have examined all the items listed and numbered on this page inclusive, and acknowledge that this is a true and complete list of the goods tendered, and of the goods received.

AT ORIGIN	Driver 	Code	Date <b>7-1-06</b>	AT DESTINATION	Driver 	Code	Date
	Customer 		Date				Date

**600 WAUKEGAN RD.  
NORTHBROOK, IL 60062  
847-498-6560**

## PART, EXACT DAMAGE, AT LOCATION



Driver or Agent #		Page # <b>8</b>	# of Pages <b>8</b>
Customer Name		Contract #	
Origin City, State		Tag Color <b>WHITE</b>	Lot # <b>174333</b>
Destination City, State		GBL #	

PART & LOCATION		EXACT DAMAGE		DESCRIPTIVE SYMBOLS	
1 Arm	10 Top	BE Bent	RU Rusted	CD	Carrier Disassembled
2 Bottom	11 Verifier	BR Broken	SC Scratched	CP	Carrier Packed
3 Corner	12 Edge	BU Burned	SH Short	CU	Contents and Condition Unknown
4 Front	13 Center	CH Chipped	SO Soiled	DO	Disassembled By Owner
5 Left	14 Seat	D Dented	S Stretched	MCU	Mechanical Condition Unknown
6 Leg	15 Drawer	F Faced	T Torn	PB	Professional Books
7 Rear	16 Inside	G Gouged	W Worn	PBO	Packed By Owner
8 Right	17 Door	L Loose	WP Warped	PE	Professional Equipment
9 Side	18 Shelf	M Marred	WS Water-stained	PP	Professional Papers
	19 Hardware	MT Mildew	Wet	SW	Shrink Wrap
		R Rubbed	Z Cracked		

ITEM #	CR	ARTICLE	ROOM	CONDITION AT ORIGIN	EXCEPTIONS AT DESTINATION
11		1.5 CTN		PBD-CU	
2		TABLE		SC 6, 9, 10 - R 3, 10, 12 CH 10, 12	
3		6.0 CTN		PBD-CU	
4		1.5 CTN		PBD-CU	
5		TABLE BASE		CH 3, 12, 10 - SC 9, 10 - R 3, 10, 12	
6		SM CTN		PBD-CU	
7		WARDROBE CTN		PBD-CU	
8		ELEGANT STATUE		SC 2, 9, 10 - R 3, 10, 12	
9		SM STOOL		ML - SC 6, 10 - R 3, 12	
12		SM BEACH		CH 3, 10, 12 - SC 4, 9, 10 - R 3, 10, 12, 11	
1		SM STOOL		CH 12 - SC 6, 10 - R 3, 10, 12	
2		DESK		CH 10 - SC 4, 9, 10 - R 3, 10, 12	
3		TABLE BASE		7, 10 - SC 4, 9, 10 - R 3, 10, 12	
4		WARDROBE		SC 4, 9, 10 - CH 3, 12, 10, 12	
5		Roller Pkg		SO 10 - R 3, 12	
6		Roller Pkg w/ PWD		SO 10 - R 12	
7		PICTURE		24 - CH 3, 12 - SC 4, 9, 10 - R 3, 12	
8		MIRROR		CH 3, 12 - ML - SC 4, 9, 10 - R 3, 12 - 23	
9		MIRROR		CH 3, 12 - SC 4, 9, 10 - R 3, 12	
130		Amber by Table Top		CH 4, 12 - SC 2, 9, 10 - R 3, 10, 12	
1		MARBLE		SC 9, 10 - R 3, 12	
2		GLASS		SC 2, 9, 10 - R 3, 10, 12	
3		Pic Pac CTN		PBD-CU	
4		SONIC 42" CTV PLASMA		ML - R 3, 12	
5		MIRROR		2, 9, 10 - SC 4, 9, 10 - R 3, 12	
6		Table Lamp		SC 2, 9, 10 - R 12	
7		MACHINE Part		SC 2, 9 - R 3, 12	
8		Table Lamp		SC 6, 10, 9 - R 3, 10, 12	
9		Table Lamp		SC 2, 9 - R 12	
240		MIX. ROCK		SC 2, 10, 9 - R 3, 12	

**END OF  
TWOENTH**

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AT ORIGIN	Driver	Code	Date	AT DESTINATION	Driver	Code	Date
	<i>[Signature]</i>		9-1-00		<i>[Signature]</i>		

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0  
Eastern Division**

Bret Broaddus, et al.

Plaintiff,

v.

Case No.: 1:07-cv-02713

Honorable Mark Filip

Jim Larkin, et al.

Defendant.

---

**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Thursday, September 27, 2007:

MINUTE entry before Judge Mark Filip :Status hearing set for 10/4/2007 at 09:30 AM. Plaintiffs failure to appear at said status may result in dismissal of their case for want of prosecution.Mailed notice(tbk, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at ***www.ilnd.uscourts.gov***.



## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Mark Filip	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 2713	DATE	10/4/2007
CASE TITLE	Broaddus vs. Larkin, et al		

## DOCKET ENTRY TEXT

Defendants appear for status hearing. Plaintiff fails to appear. The above-entitled case is dismissed for want of prosecution without prejudice and with leave to reinstate on or before 11/5/07 after which time the dismissal will be with prejudice if no request to reinstate is filed. Motion by defendant Jim Larkin for summary judgment [28] is stricken without prejudice with leave to reinstate.

Docketing to mail notices.

00:05

Courtroom Deputy Initials:	TBK
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